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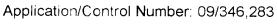
Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

| ATTORNEY DOCKET NO | A | FIRST NAMED INVENTOR | | FILING DATE | APPLICATION NO. |
|---------------------------------------|--------------|----------------------|-------------------|-------------|--|
| | | | Programme A | es est | |
| EXAMINER | E | ٦ | as Albert Company | | |
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| PAPER NUMBER | ART UNIT | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

| | Application No. | Applicant(s) |
|--|---|---|
| | 09/346,283 | FLANNERY, MICHAEL R. |
| Office Action Summary | Examiner | |
| | i | Art Unit |
| The MAILING DATE of this communication | José R. Díaz | 2815 |
| Period for Reply | appears on the cover sneet w | nur the correspondence address |
| A SHORTENED STATUTORY PERIOD FOR R THE MAILING DATE OF THIS COMMUNICATI | EPLY IS SET TO EXPIRE <u>1</u> ON. | MONTH(S) FROM |
| Extensions of time may be available under the provisions after SIX (6) MONTHS from the mailing date of this co. If the period for reply specified above is less than thirty (3 be considered timely. If NO period for reply is specified above, the maximum st communication. Failure to reply within the set or extended period for reply Status | mmunication. 30) days, a reply within the statutory r atutory period will apply and will expi | minimum of thirty (30) days will ire SIX (6) MONTHS from the mailing date of this |
| 1) Responsive to communication(s) filed or | l | |
| 2a) ☐ This action is FINAL. 2b) ⊠ | This action is non-final. | |
| 3) Since this application is in condition for a closed in accordance with the practice up | illowance except for formal m nder <i>Ex parte Quayle</i> , 1935 C | atters, prosecution as to the merits is C.D. 11, 453 O.G. 213. |
| Disposition of Claims | | |
| 4) | ation. | |
| 4a) Of the above claim(s)s/are wit | hdrawn from consideration. | |
| 5) Claim(s) is/are allowed. | | |
| 6) Claim(s) is/are rejected. | | |
| 7) Claim(s) is/are objected to. | | |
| 8) Claims 1-11 are subject to restriction and | I/or election requirement. | |
| Application Papers | | |
| 9) The specification is objected to by the Exa | miner. | |
| 10) The drawing(s) filed on is/are object | ted to by the Examiner. | |
| 11) The proposed drawing correction filed on | is: a) approved b) [| disapproved. |
| 12) The oath or declaration is objected to by the | ne Examiner. | |
| Priority under 35 U.S.C. ১ 119 | | |
| 13) Acknowledgment is made of a casim for fo | reign priority under 35 U.S.C. | δ 119(a)-(d). |
| a) All b) Some * c) None of the CE | | |
| 1. received. | | |
| 2. received in Application No. (Series | Code / Serial Number) | |
| 3. received in this National Stage appli | , <u></u> | |
| * See the attached detailed Office action for a | | |
| 14) Acknowledgement is made of a claim for d | omestic priority under 35 U.S | S.C. & 119(e). |
| Attachment(s) | | |
| 15) ☐ Notice of References Cited (PTO-892 16) ☑ Notice of Draftsperson's Patent Drawing Review (PTO-94 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper N | 8) 19) 🔲 Notice o | w Summary (PTO-413) Paper No(s) of Informal Patent Application (PTO-152) |



Art Unit: 2815

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-7, drawn to device, classified in class 257, subclass 499.
- II. Claims 8-11, drawn to method, classified in class 438, subclass 1+.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case that the product as claimed can be made by another and materially different process. For example: forming a sensing element by etching and depositing techniques.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to José R. Díaz whose telephone number is (703) 308-6078. The examiner can normally be reached on 8:00 - 5:00 Monday through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mahshid Saadat can be reached on (703) 308-4915. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

JRD

September 7, 2000

Mahshid Saadat
Supervisory Patent Examiner
Technology Center 2800

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